

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRITTANY ANN INGRASSI,  
Petitioner,  
v.  
JENNIFER CORE, Warden,  
Respondent

Case No. CV 22-5988 SPG (PVC)

# ORDER ACCEPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE AND OVERRULING OBJECTIONS

JENNIFER CORE, Warden,  
Respondent.

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for a Writ of Habeas Corpus, the records on file, and the Report and Recommendation of the United States Magistrate Judge. The Court has engaged in *de novo* review of those portions of the Report to which Petitioner and Respondent have objected. The Court accepts the findings and recommendation of the Magistrate Judge and overrules the objections. Notwithstanding this Court’s acceptance of the Report, the Court addresses the following objections raised by Petitioner.

Within Petitioner’s Grounds One and Two, Petitioner presented an argument that she was not permitted to fire her retained counsel and seek the appointment of counsel, which is not explicitly addressed in the Report and Recommendation and to which

1 Petitioner objects. *See* (ECF No. 21 at 6–8). The Court has considered Petitioner’s  
 2 argument and finds that it does not represent a Sixth Amendment violation. Based on the  
 3 Court’s review of the record, the Court finds that the state courts reasonably rejected  
 4 Petitioner’s argument for the reasons stated on direct appeal by the California Courts of  
 5 Appeal.<sup>1</sup> *See* (ECF No. 13-13 at 12–15 (finding that the trial court did not abuse its  
 6 discretion to deny Petitioner’s request to discharge her counsel and appoint counsel  
 7 because it would cause an “unreasonable disruption” to the processes of the sentencing  
 8 hearing) (citing *People v. Lopez*, 22 Cal. App. 5th 40, 50 (2018); *People v. Maciel*, 57 Cal.  
 9 4th 482, 513 (2013), as modified on denial of reh’g (Oct. 2, 2013))). Therefore, Petitioner’s  
 10 objections related to the appointment of new counsel under Grounds One and Two are  
 11 overruled.

12 Petitioner also objects to the Report’s findings regarding her counsel’s handling of  
 13 evidence of Petitioner’s intoxication. *See* (ECF No. 21 at 8–21). However, the Report also  
 14 found that each of the alleged errors by counsel with respect to toxicology evidence could  
 15 not have resulted in prejudice because of the weight of the other evidence of Petitioner’s  
 16 guilt. *See, e.g.*, (ECF No. 20 at 27; *id.* at 49 (“[T]he intoxication evidence was not a ‘focal  
 17 point’ of the case” (emphasis in original)). Additionally, though the Report does apparently  
 18 misidentify the scientific testing conducting in this case (using “gas chromatography/mass  
 19 spectrometry” rather than “headspace gas chromatography”), because Petitioner cannot  
 20 establish prejudice for any alleged errors regarding toxicology evidence, Petitioner’s  
 21 objection is overruled.

22 For all the foregoing reasons, the Court accepts the findings and recommendation of  
 23 the Magistrate judge and adopts the Report and Recommendation.

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27 <sup>1</sup> The Court acknowledges that this opinion is not entitled to deference under 28 U.S.C.  
 28 § 2254 for the reasons stated in the Report. *See* (ECF No. 20 at 12–13). The Court,  
 however, finds the analysis and precedent persuasive.

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2 **IT IS THEREFORE ORDERED** that Judgment be entered (1) denying the Petition; and  
3 (2) dismissing this action with prejudice.  
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5 DATED: December 7, 2023  
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6 HON. SHERILYN PEACE GARNETT  
7 UNITED STATES DISTRICT JUDGE  
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